

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Sections 74.1231) RM-9419
74.1232, 74.1233, 74.1284 of the)
Commission's Rules)

To: Mass Media Bureau

STATEMENT IN SUPPORT OF PETITION

Jerry J. Collins (hereafter Collins), by his attorneys, and pursuant to the Commission's Public Notice, DA 98-2527, released December 10, 1998, hereby expresses his support for the Petition for Rule Making of The American Community AM Broadcasters Association (hereafter ACAMBA) filed August 13, 1997, requesting the Commission to institute rule making to allow AM station licensees to rebroadcast their signals on FM translator stations as a fill-in service.^{1/} In support thereof, Collins respectfully states as follows:

1. Collins is an experienced radio broadcaster who has constructed and operated numerous AM and FM stations over the past three decades. Collins has pending applications to

^{1/} The Public Notice invited the submission of comments in support of or in opposition to the Petition within thirty days or on or before January 11, 1999. The comment deadline was subsequently extended to February 10, 1999.

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construct and operate new standard broadcast stations on 890 kHz at Arroyo Grande, California (BP-970728AJ) and on 880 kHz at Barstow, California (BP-970728AG).

2. ACAMBA avers that it is a non-profit trade association comprised of 193 (mostly standalone) AM stations in approximately thirty-seven states. ACAMBA says its organizational purpose and goals are to "(1) bring unity to AM broadcasters and to create a single vehicle to work toward needed changes and improvements for AM radio; (2) centralize efforts for improving AM radio and representing the interests of AM broadcasters; and (3) help AM stations obtain parity with other broadcast services through advocating and promoting beneficial changes throughout the industry" (ACAMBA Pet., pp. 1-2).

3. Pointing out that one "great disadvantage faced by AM stations is their ability to compete as a result of weak nighttime signals", ACAMBA proposes that the Commission's FM translator rules be amended "to allow for the use of an FM translator station as a fill-in service for AM standalone stations (those stations without a commonly owned or programmed FM station) with a licensed daytime power not exceeding 2,500 watts and a licensed nighttime power not exceeding 500 watts" (Ibid., pp. 2, 4).

4. Collins supports ACAMBA's proposal because it will

promote competition in the commercial radio service and materially enhance the ability of many AM stations to serve the public interest. Collins does have serious reservations with respect to ACAMBA's restrictions on eligibility.

5. First, there is no apparent reason to limit the eligibility of AM stations to those operating with daytime power of 2,500 watts or less. The restriction is arbitrary inter alia because the propagation of AM signals materially depends not only upon power output but also upon the operating frequency, ground conductivity and antenna directivity. A 2,500 watt daytime power limitation would also create an incentive for some AM licensees to reduce daytime power and a disincentive for other AM licensees to increase daytime power. In short, there is no apparent reason for imposing an eligibility restriction based on daytime power and there are compelling policy reasons not to do so.

6. Second, restricting eligibility to AM stations with nighttime power not exceeding 500 watts is also arbitrary. The propagation of AM signals at night is materially affected by the operating frequency, directivity and nighttime limit as well as power output. At minimum, AM stations should be permitted to use FM translators to fill-in service to their community of license irrespective of their nighttime operating power.

7. Third, it would be arbitrary to restrict the

eligibility for FM translator fill-in stations to AM standalone licensees. Especially in this era of consolidation, many AM stations with minimal or no nighttime coverage are operated in combination with other commonly owned (or brokered) AM and FM stations. Improving their nighttime service through fill-in FM translators would both promote competition and provide new service to the public. Conversely, restricting eligibility to AM standalones would provide a disincentive to consolidation and the concomitant efficiencies to be derived from combined operations.

8. In sum, Collins urges that it would promote competition and better serve the public interest to restrict the eligibility for FM fill-in translators to three classes of AM licensees, those owning (1) daytime only stations, (2) fulltime AM stations with power not to exceed 500 watts, or (3) fulltime AM stations which do not provide interference free nighttime service to the entirety of their communities of license. The predicted 1 Mv/m contour of the fill-in FM translator should be confined within the predicted or measured 0.5 Mv/m daytime contour of the AM station.

9. Collins' 880 Khz Barstow proposal would be an excellent candidate for a fill-in translator. Barstow is located in the Mojave Desert circa 75 miles northeast of the Los Angeles Metropolitan Area. Operating on 880 Khz as proposed, Collins

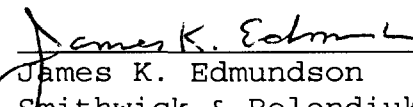
would provide interference free (14.36 Mv/m) service nighttime to most of the population but less than half the land area of Barstow. With a fill-in translator station, Collins would be able to provide nighttime service to 45.1% of the Barstow land area. Especially given Barstow's isolated location, there should be a plethora of FM channels on which to locate a fill-in translator. (See Appendix A).

WHEREFORE, Collins supports ACAMBA's Petition and urges the Commission to institute rule making, consistent with the foregoing comments, looking toward the adoption of rules permitting the use of FM translators to fill-in the nighttime signals of AM stations.

Respectfully submitted,

JERRY J. COLLINS

By:

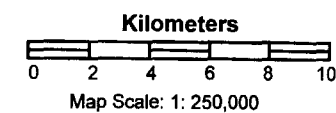

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February 10, 1999

Appendix A



880 kHz 0.25 kW DA-2

Barstow, California



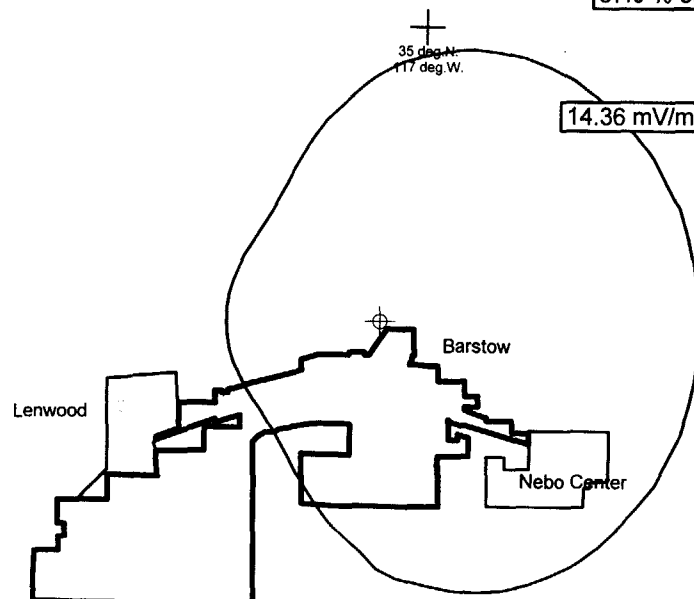
Map Source:
U.S.G.S. Digital Line Graph - 100K Series
Dept. of Commerce - TigerLine 95 Digital Data

Map Legend - Exhibit 8

- ☒ Barstow, Ca - Corp. Limits
- ☐ N.I.F. 14.36 mV/m
-  Transmitter Site
-  Lat./Lon. Tics 15' Intervals

*T.Z. Sawyer Technical Consultants
Bethesda, Maryland, U.S.A.*

City of License Coverage:
Area: 44.9 % (26.6 sq. km.)
97.0 % of City Population:



SAN BERNARDINO

Certificate of Service

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Statement in Support of Petition" was mailed by First Class U.S. Mail, this 10th day of February, 1999 to the following:

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Mass Media Bureau
Federal Communications Commission
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(Via Hand Delivery)

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Sherry L. Schunemann